

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JUNE 11, 2002
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Pastor Dave Ratzlaff, Grace Baptist Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

Mayor's Presentations

1. West Point Day - June 12
2. Myasthenia Gravis Awareness Month - June
3. Year of the Native American

Motion made by Representative Medina, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Aviation be authorized to sign a Revision to the Award for Supplies or Services and related documents, between the City of El Paso, on behalf of the El Paso International Airport, and the Federal Aviation Administration (FAA). The amount is provided by the FAA as partial funding for TSA Canine services for the period of October 1, 2001 through September 30, 2002.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement For Appraisal Services between the City of El Paso, Texas, and Hoover Appraisal Company, together with related documents, for the following properties: Lot 2, Block 1-C, El Paso International Airport Tracts, Replat of Unit 6, City of El Paso, El Paso County, Texas, municipally known and numbered as 6510 Convair Rd., and Lot 4, Block 1B, El Paso International Airport Tracts, City of El Paso, El Paso County, Texas, municipally known and numbered as 6511 Allegheny Dr.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the Air Cargo Center Agreement between the City of El Paso and Federal Express Corporation to lease office, warehouse and ramp space located at 501 George Perry Blvd., Suite A, El Paso, Texas.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Professional Services Contract by and between Warnick and Company and the City of El Paso, to provide professional planning services including market analysis and feasibility study for a proposed hotel/golf resort development to be located on airport property.

Mr. Patrick Abeln, Director of Aviation, stated that the concept of a business resort at the airport and linked to a golf course was a valid one. He stated that the feasibility study would provide the private sector the confidence to invest in such a concept. He noted that the golf course would be a model for Southwest communities in that the golf course would utilize recyclable water, etc. He noted that investment(s) would continue due to the success of the resort facility. He asked that Council Members authorize the feasibility study.

Representative Sumrall commended Mr. Abeln for his innovative ideas and questioned where the monies would be coming from to pay for the study.

Mr. Abeln stated that the study would be paid for by airport generated monies; however, the study would be site specific to a location at the airport. He noted that even though the study was site specific it would have value far beyond the airport's boundaries.

Representative Cook commented on the possibility of a Painted Dunes resort hotel and asked that the feasibility study include other marketable areas throughout the City. He questioned why Warnick and Company was the chosen entity.

Mr. Abeln reiterated that the concept was site specific; however, the elements of the study could be applicable throughout the community. He stated that an example of a successful implementation of airport/resort combination was Dallas/Ft. Worth Bear Creek facility. Mr. Abeln explained that Warnick and Company were versed in Southwest communities to include Santa Fe, Tucson and Dallas/Ft. Worth.

Representative Medina questioned whether a sports arena might be included in the feasibility study.

Mr. Abeln responded that the airport was situated on 7,000 acres, 3,000 of which would be available for non-aviation development. He noted that an arena would occupy approximately 35 to 50 acres and the possibility of a sports arena was available; however, the Warnick Company may not have the needed expertise, as the company's expertise was in resort development. He said he would include the sports arena in the feasibility study.

Representative Cobos questioned how the airport advertised for the feasibility study. He noted that Council has approved contracts for out-of-town firms and he would like to see a local company receive the award for the study.

Mr. Abeln responded that airport personnel reviewed multiple resorts and visited other airport communities throughout the Southwest and it was noted that Warnick and Company's name was mentioned on numerous occasions. He explained that this company was highly regarded and very successful, in addition to the fact that their expertise was very narrow to only resort development. He added that the land would be leased to the developer(s) as this would create a hotel with a substantial amount of money with the inclusion of a golf course.

Motion made by Representative Escobar, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to sign and submit an application to the Texas Police Corps to seek participation in the Texas Police Corps program that provides law enforcement training at no cost to the City to individuals who would later seek employment with the El Paso Police Department.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Tenant Estoppel Certificate on behalf of the City of El Paso, relating to the lease of office space at 2211 E. Missouri, Suites W-200 and W-205, by and between the City of El Paso and Gateway Garden Joint Venture.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept donations from various business, civic organizations and citizens of money, items to assist with the organization of the D.A.R.E. race/run on November 23, 2002; that the Chief of Police or his designee compile a list of all contributions; and that the City Council finds a public purpose in the distribution of items donated for the purpose of serving as door prizes and any donated refreshments to race participants and volunteers working the event that serves to raise funds for the Police Department's D.A.R.E. program.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FOURTEEN THOUSAND THREE HUNDRED SEVENTY AND NO/100THS DOLLARS (\$14,370.00 - \$7,630/\$370 loans/\$6,370.00 grant) against the following described real property:

Lots 9 and 10, Block 5, GOLDEN HILL ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 3, Page 35, Plat Records of El Paso County, Texas; also known and numbered as 1824 Cliff Drive, El Paso, Texas 79902.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of TWELVE AND 38/100THS DOLLARS (\$12.38).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its liens in the amounts of TWELVE THOUSAND FOUR HUNDRED AND NO/100THS DOLLARS (\$ 12,400.00 - \$1,000/\$1,000 loans; \$10,350/\$50 grants) against the following described real property:

Lots 7 and 8, Block 12, MORNINGSIDE HEIGHTS, an Addition to the City of El Paso, El Paso County, Texas; also known and numbered as 3419 Jackson Avenue, El Paso, Texas 79930.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That values have been set in accordance with the law for the following property, which is proposed to be acquired for the San Juan Parking Lot Acquisition Project under the Twenty-seventh Year (2001-2002) Community Development Program, and that, having considered relevant facts pursuant to the applicable law, the Council hereby establishes Just Compensation and approves an Offer of Just Compensation for the following parcel of land as follows:

Lots 16 & 17, Block 7, MAP OF HUGHES SUBDIVISION OF BLOCKS 1 AND 2 OF ALAMEDA ACRES, an Addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 13, Page 16, Plat Records of EL PASO County, Texas, known and numbered as 5707 Macias.

Value: \$12,700.00

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute and file an application for a three-year Supportive Housing Program Renewal Grant to the United States Department of Housing and Urban Development (HUD), on behalf of the City of El Paso, in the amount of \$160,634 for renewal funding related to the operation of the Salvation Army of El Paso's Transitional Housing Program for Homeless Families at 1926-1930 Bassett Avenue from April 1, 2003 to March 31, 2006; and

That Deborah G. Hamlyn, Director, Community and Human Development, be authorized to furnish such additional information as HUD may require in connection with the grant application for this Program; and

That the Mayor be authorized to execute on behalf of the City of El Paso any grant agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases or deobligates Program funds provided that no additional City funds are required.

Matching funds are required in the amount of \$47,870.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute and file a Grant Application to the United States Department of Housing and Urban Development (HUD), on behalf of the City of El Paso, in the amount of \$1,274,605 for the period of September 1, 2002, to August 31, 2005, for a Lead-Based Paint Hazard Control Program Grant; and

That Deborah G. Hamlyn, Director, Community and Human Development, be authorized to furnish such additional information as the HUD may require in connection with the grant application for this Program; and

That the Mayor be authorized to execute on behalf of the City of El Paso any grant agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases or deobligates Program funds provided that no additional City funds are required.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement granting an Underground Electrical Easement with transformer site to the El Paso Electric Company on a portion of Tract 2A, Section 45, Block 79, Township 2, T. & P. RR Survey El Paso County, Texas.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign an outgoing loan agreement on behalf of the City of El Paso, for the loan of *Coffee Maker M.I.M.*, 2001, by Margarita Cabrera to the Mexic-Arte Museum in Austin, Texas, for the exhibition *It's a Glamorous Life: The Seventh Young Latino Artists Exhibition* from July 12 – August 24, 2002.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event:	Reception
Licensee:	Teresa A. Reed, M.D.
Date:	July 13, 2002
Time:	7:00 p.m. - 10:00 p.m.
Charge for Space:	\$500.00
Charge for Staff (est.):	\$300.00
Charge for Insurance:	\$40.00
Area(s):	Lobby

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Interlocal Agreement between the City of El Paso and the Ysleta Independent School District to provide District School buses for transportation purposes regarding the Parks and Recreation "Club Rec Program."

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***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 9th day of July, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 10128 Montwood Drive, in El Paso, Texas, which property is more particularly described as:

Lot: 2, less the East 20.2 feet, Block 83, Eastwood Heights (Unit E), an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 22, Page 17, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Inland Mortgage Corporation, 9265 Counselor's Row, Indianapolis, Indiana 40240, and 6070 Gateway East Boulevard, Suite 105, El Paso, Texas 79905, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Services Department, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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 *Motion made, seconded and unanimously carried to re-appoint Chester E. Jordan to the History Museum Board by Representative Power.

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 *Motion made, seconded and unanimously carried to re-appoint Trinidad B. Acosta to the RSVP Advisory Council by Representative Cobos.

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 *Motion made, seconded and unanimously carried to re-appoint Ed Anderson to the Airport Board by Representative Cobos.

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 *Motion made, seconded and unanimously carried to re-appoint Beatrice "Bea" A. Sada to the Community Development Steering Committee by Representative Medina.

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 *Motion made, seconded and unanimously carried to appoint Jan Engels to the El Paso Public Arts Commission by Representative Cook.

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 *Motion made, seconded and unanimously carried to appoint Mary Ann Dodson to the El Paso Public Arts Commission by Representative Cook.

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 *Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light(s) at the following location(s):

Three lights on Betel Dr., between Agua Prieta Dr. and Burgundy Dr., total cost \$2,787.00.

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #S979-999-0100-8100, \$246.32 per month installments on a balance of \$2,955.84 for 2000 taxes; Julian Garcia, Jr. – 511 Upson Dr.
- B. PID #99MH-999-0000-0139 & PID #99MH-999-0000-0139, \$265.55 per month installments on a balance of \$2,124.40 for 1999 & 2000 taxes; Lorraine & Noe Baeza – 11540 Montana Ave #C15.
- C. PID #M771-999-0060-2500, \$332.28 per month installments on a balance of \$2,658.24 for 2001 taxes; Mario Sr. & Maria Perez – 12464 Angie Bombach.
- D. PID #C340-999-1500-3900, \$570.67 per month installments on a balance of \$6,848.04 for 2001 taxes; Jaime R. & Susan E. Papa – 6316 La Posta.
- E. PID #Y805-999-030E-0213, \$346.28 per month installments on a balance of \$2,423.96 per month installments for 2001 taxes; Jose A. & Martha I. Avalos – 251 Nogal Pl.

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*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Paul & Carol Yates, in the amount of \$785.27; overpayment of 2000 taxes.
(PID #C976-999-0010-1900)
- B. Betty L. Hudson, in the amount of \$1,200.00; overpayment of 2001 & 2002 taxes.
(PID #I256-999-0210-0900)
- C. Virginia Y. Sanchez, in the amount of \$868.75; overpayment of 2001 taxes.
(PID #M056-999-0290-7300)
- D. State National Bank, in the amount of \$1,039.50; overpayment of 2001 taxes.
(PID #Y805-999-021C-1413)
- E. Chase Manhattan Mortgage Group, in the amount of \$793.60; overpayment of 2001 taxes.
(PID #Y805-999-0490-0505)

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*Motion made, seconded and unanimously carried to approve the request to expend One Thousand Forty-Four Dollars and 44/100 (\$1,044.44) from District 4 Discretionary Funds to pay for expenses for the 2002 Outdoor Concerts in Veteran's Park Amphitheater. (Representative Cook)

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*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to sell to El Paso Community College, two (2) Fire Department Pumpers at fair market value.

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*Motion made, seconded and unanimously carried to award Bid No. 2002-150 Janitorial Services Westside Police Regional Command Center

Award to: The Eagle Janitorial Services
El Paso, Texas

Item (s): 1
Amount: \$42,936.00

Department: Public Work Building maintenance
Funds available: 31010326-01101-502206
Funding source: General Funds, Janitorial Maintenance Services Contract
Total award: \$42,936.00

Public Works Department and Purchasing recommend awards as indicated as this vendor has provided the Best Value Bid.

This is a thirty-six (36) month contract with the option to extend the term of this contract for one additional year. Additionally, Eagle Janitorial Services offers a prompt payment discount of 3%20 Days.

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Motion made, seconded and unanimously carried to move to the Regular AgendaBid No. 2002-178 Security Guard Services

Ms. Becky Duvall-Reese, Director of Museums, was present to answer questions.

Representative Cobos questioned whether the local company, Ruiz Protective Service, Inc., offered insurance for their employees. He moved to postpone one week, Representative Cook seconded.

Mr. Bill Chapman, Chief Financial Officer, spoke on behalf of Mr. Byron Johnson, Director of Purchasing, as Mr. Johnson was away in depositions. He stated that offering insurance to the employees was part of the Best Value Procurement.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to postpone one (1) week Bid No. 2002-178 Security Guard Services

Award to: Initial Security
Houston, Texas

Item (s): 1
Amount: \$47,916.70

Department: Museum of Art
Funds available: 54010249-01101-502212
Funding source: General Funds, Security Contracts
Total award: \$47,916.70

The Museum of Art and Purchasing Department recommend award as indicated as this vendor has provided the Best Value Bid.

This is a thirty-six (36) month contract with the bidder offering to extend the contract for one (1) additional year.

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Motion made, seconded and unanimously carried to move to the Regular Agenda RFP No. 2002-166R Helicopter Insurance

Representative Cook questioned the limits of the coverage.

Commander Walsh, Police Department, explained the insurance policy would cover two helicopters and one aircraft, total coverage to be \$10 million dollars, \$500,000 per seat and each aircraft supports four seats.

Motion made by Representative Escobar, seconded by Representative Cook and unanimously carried to award RFP No. 2002-166R Helicopter Insurance

Award to: Stinson & Son Insurance Agency
El Paso, Texas

Item (s): All
Amount: \$20,587.00 (estimated annually)

Department: Police
Funds available: 21010069-01101-504402
Funding source: General Funds, General Liability Insurance
Total award: \$20,587.00 (estimated annually)

Police Department and Purchasing recommend award as indicated as this vendor is the responsible and responsive bidder meeting specifications.

This is a thirty-six (36) month agreement with no option to extend the term of the contract.

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*Motion made, seconded and unanimously carried to award RFP No. 2002-170R Stress Management for Firefighters

Award to: Center for Employee Assistance
El Paso, Texas
Item (s): 1 - 6
Amount: \$56,200.00 (estimated annually)

Department: Fire
Funds available: 22010100-01101-50211
Funding source: General Fund, Fire Department Emergency Operations,
Health Care Providers Services
Total award: \$56,200.00

The Review Committee recommends award as indicated. The Center for Employee Assistance is the best firm to provide the necessary Stress Management Services to fill the Fire Department's needs.

This is a thirty-six (36) month contract with no options to extend the contract.

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Motion made, seconded and unanimously carried to move to the Regular Agenda RFP No. 2002-176R Comprehensive Professional Auditing Services

Mr. Hilton Maddox, partner with Lauterbach Borschow & Co PC, explained that the City would be implementing GATSBY 34 this year and that each firm must evaluate the additional time for this. He noted that in the Lauterbach proposal the additional fee was \$56,000.00 for the first year; however, in the subsequent years the fee would be reduced and Lauterbach would save the City \$200,000.00. He thought it would be advisable to investigate KPMG's numbers for the five-year period to determine the best price for the City's benefit.

Representative Sumrall suggested postponing the item one week,

Mr. Bill Chapman, Chief Financial Officer, explained that the City had utilized both KPMG and Lauterbach in previous years and noted that the future years were estimated; however, the current year saves the City \$30,000.00. He explained that future fees may change as a result of GATSBY requirements.

Representative Cook questioned Mr. Maddox's comment regarding saving the City \$200,000.00 over the five year period.

Ms. Wendy Hebestreit, Comptroller, responded KPMG's baseline was \$249,000.00 for this year with an additional \$50,000.00 toward GATSBY 34 implementation for the first year. She was unsure as to future year's fees; however, KPMG had more experience with GATSBYS 34 and 35 implementation.

Representative Sariñana questioned KPMG's previous recommendation in restructuring the Fire Marshal's office.

Representative Sumrall stated that GATSBY 34 was very intricate and Council should abide by the recommendation to award the bid to KPMG.

Mr. Chapman explained that KPMG had two divisions, audit and consulting, and explained that the recommendation to restructure the Fire Marshal's office did save the City monies. He stated that both companies offered quality professional services; however, KPMG was more experienced in the implementation of GATSBY 34. He noted that the qualitative factors were more favored toward KPMG.

Representative Sariñana questioned the five-year contract.

Mr. Chapman stated that in the past the contract had been for five years and the benefit was that once the company became familiar with the system, the audit became increasingly efficient.

Representative Rodriguez questioned remarks provided by Ms. Hebestreit in a written memo.

Ms. Hebestreit explained based upon the responses provided in the RFP it was unclear as to how much experience in PeopleSoft either company possessed and what percentage of out-of-town personnel would be utilized. She explained that KPMG would utilize 90% local participation and 75-80% for Lauterbach.

Mr. Maddox added that Lauterbach would be bringing in individuals familiar with GATSBY 34 implementation experience.

Motion made by Representative Sumrall, seconded by Representative Escobar and carried to award RFP No. 2002-176R Comprehensive Professional Auditing Services

Award to: KPMG, LLP
El Paso, Texas
Item (s): All
Amount: Estimated five (5) year expenditure is
\$1,600,000.00 and the initial first (1st) year not to exceed \$299,000.00

Department: Comptroller/All Departments
Funds available: FY2003
Funding source: General Funds, Airport, Solid Waste Management
Department and Sun Metro Funds
Total award: \$1,600,000.00 (estimated five year expenditure)

Purchasing Department and the RFP review committee recommends that City Council approve an award to KPMG, LLP to perform audit services for the City of El Paso. The amount to be awarded is not to exceed \$299,000.00 for the 1st year of this contract. Each year thereafter is subject to an escalator based on estimated hours and scope of work. The CFO and the Comptroller prior to each year's audit and engagement letter will determine scope of work. The total estimated expenditure for all five (5) years is \$1,600,000.00.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents, agreements and engagement letters during the contract period.

BACKGROUND:

Funds are budgeted in the FY2003 budget. The City of El Paso issued fourteen (14) RFPs. Two (2) responses were received. Two (2) firms submitted No Bids. A review committee met and evaluated the responses. The recommended firm has done other audits of this type.

The City of El Paso is contracting to engage a qualified firm with demonstrated experience in the field of governmental agency audits. This is a five (5) year contract.

Representatives Rodriguez and Sariñana voted Nay.

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*Motion made, seconded and unanimously carried to award Bid No. 2002-156 Containers, Front Load, Six Cubic Yard

Award to: Met-Tech Inc.
El Paso, TX
Item (s): All
Amount: \$40,200.00

Department: Solid Waste Management
Funds available: 04250203-27252-PMB0003160-508008
Funding source: FY02 Cert. OB Equip. – SW Equip.
Total award: \$40,200.00

The Solid Waste Management and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase Front Load, Six Cubic Yard Containers. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within six (6) months and/or twelve (12) months from the date of award of the contract. No prompt payment discount is offered.

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*Motion made, seconded and unanimously carried to award Bid No. 2002-161 Gradall-Mounted Mower Head Attachments

Award to: Sierra Machinery, Inc.
El Paso, TX
Item (s): #1
Amount: \$24,360.00

Department: Streets
Funds available: 04250203-27251-PMB0003130-508029
Funding source: FY02 Cert. OB Equip. – City Equip.
Total award: \$24,360.00

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties. This is a fixed-price, single (one-time) purchase, to purchase two Gradall-Mounted Mower Head Attachments. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within ninety (90) days from the date of award of the contract. No prompt payment discount is offered.

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*Motion made, seconded and unanimously carried to award Bid No. 2002-162 Boom-Mounted Hydraulic Demolition Hammer

Award to: Sierra Machinery, Inc.
El Paso, TX
Item (s): #1, with Option #O-2
Amount: \$30,190.00

Department: Streets
Funds available: 04250203-27251-PMB0003130-508029
Funding source: FY02 Cert. OB Equip. – City Equip.
Total award: \$30,190.00

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase a Boom-Mounted Hydraulic Demolition Hammer. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

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*Motion made, seconded and unanimously carried to award Bid No. 2002-165 Folding Aluminum Tables

Award to: Southern Aluminum Mfg., Inc.
Magnolia, AR
Item (s): #1
Amount: \$34,800.00

Department: Parks and Recreation
Funds available: 04102010-27503-P540010CTY-508008
Funding source: Capital Outlay
Total award: \$34,800.00

The Parks and Recreation and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase folding aluminum tables. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

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*Motion made, seconded and unanimously carried to approve budget transfer BT2002-687 LIBRARY

The Library requests an increase of appropriations under the Library's Restricted Fund books account. This increase is due to the funds awarded to three Libraries by the Texas Library Association. Funds from this award will be used to purchase Library materials for the three facilities.

Increase	\$5,000	to	53153053/15454/405060	Donations
Increase	\$2,500	to	53153053/15454/405065	MscNOpRev
Increase	\$7,500	to	53153053/15454/508039	Bks Hrdback

.....

*Motion made, seconded and unanimously carried to approve budget transfer BT2002-717 PUBLIC WORKS

To transfer bond funds for tables, benches, trash cans, and rock walls to specified Parks Bond Projects, as per FY02 issue of G.O. Bond Authorization.

Increase	\$60,000	to	31130500/PPW004600126265/407020	Bond Proc
Increase	\$60,000	to	31130500/PPW004600126265/508027	Construction

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-718 PUBLIC WORKS

To transfer bond funds for tables, benches, trash cans, and rock walls to specified Parks Bond Projects, as per FY02 issue of G.O. Bond Authorization.

Increase	\$60,000	to	31130500/PPW004601926260/407020	Bond Proc
Increase	\$60,000	to	31130500/PPW004601926260/508027	Construction

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-719 PUBLIC WORKS

To transfer bond funds for tables, benches, trash cans, and rock walls to specified Parks Bond Projects, as per FY02 issue of G.O. Bond Authorization.

Increase	\$60,000	to	31130500/PPW004601726258/407020	Bond Proc
Increase	\$60,000	to	31130500/PPW004601726258/508027	Construction

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2002-720 PUBLIC WORKS

To transfer bond funds for tables, benches, trash cans, and rock walls to specified Parks Bond Projects, as per FY02 issue of G.O. Bond Authorization.

Increase	\$60,000	to	31130500/PPW004600526269/407020	Bond Proc
Increase	\$60,000	to	31130500/PPW004600526269/508027	Construction

.....
Motion made, seconded and unanimously carried to approve budget transfer BT2002-721 PUBLIC WORKS
To transfer bond funds for tables, benches, trash cans, and rock walls to specified Parks Bond Projects, as per FY02 issue of G.O. Bond Authorization.

Increase	\$60,000	to	31130500/PPW004603660035/407020	Bond Proc
Increase	\$60,000	to	31130500/PPW004603660035/508027	Construction

.....
ORDINANCE 15113

The City Clerk read an Ordinance entitled: **AN ORDINANCE RELATING TO BUS BENCH FRANCHISES, AUTHORIZING THE TRANSFER OF ENFORCEMENT DUTIES TO THE BUILDING SERVICES DEPARTMENT, IMPOSING PENALTIES FOR VIOLATIONS, ESTABLISHING FEES AND RESOLUTION PROCEDURES AND RELATED ISSUES.**

Representative Sumrall commented that in the document it states for each 100 bus benches the City would have five to advertise on and suggested one bus bench for every 20.

Mayor Raymond C. Caballero asked that the amendments be discussed and voted on separately.

Mr. Luther Jones, attorney representing the Rich family, explained that he and Mr. David Escobar were co-representing the family and offered to amend sections of the Ordinance. He proceeded to explain the proposed amendments for Council Member's information and noted that the amendments were drafted consistent with suggestions made by Representative Medina several weeks ago. He suggested amending the franchise agreements for a period of five years; amending the fee from \$2.50 to \$2.00; and addressing the Alternative Dispute Resolution process to allow the Mass Transit Department to promote eight rules and regulations to determine the arbitration process and that the arbitration fee be paid as determined by the mediator. He named these amendments/proposals the "Cook Proposal".

Representative Cobos remarked he was the Chairman of the Mass Transit Legislative Review Committee and had requested an audit regarding various items relevant to the bus bench franchises. He listed them as: 1. maintenance of the bus benches; 2. permission to place the bus benches; 3. 10% gross commissions to the City; 4. \$10.00 annual fee; 5. timely payment of commissions; 6. audit ability of records; 7. quarterly list of benches listed; 8. annual CPA statement; and 9. insurance requirements. He noted that only one company was in breach of their contract and several companies had not made timely payments of commissions. He was agreeable to the suggested amendments made by Mr. Jones.

Representative Sumrall asked Representative Cobos if he would amend the Ordinance to state 1 bench for City use for every 20 benches, as stated in paragraph C4. She questioned the criteria for the content of the printed material advertised on the bus benches.

Representative Cobos agreed.

Mr. Jones explained that the printed material would be subject to the rules and regulations promulgated by the department that administers the franchise agreements.

Ms. Teresa Caballero, attorney representing Mr. Joe Oliva/Southwest Benches, addressed the following issues: 1. Mr. Luther Jones and Mr. David Escobar represent El Paso Benches, the largest franchisee. She remarked that El Paso Benches had not been properly maintaining the bus benches throughout the City and explained that the "fix it in three days or lose it" rule had not been applied or enforced. She made remarks regarding the El Paso Benches' attorney's ability to stall any Council action to enforce the "fix it or lose it" rule; 2. She stated that due to Sun Metro not having the available staff to inspect the bus benches, it was suggested that the Building Services Department take this responsibility. She then addressed the Ordinance on the Agenda allowing the Building Services Department to enforce the safety rules for authority over the bus benches, which her client was agreeable to; 3. She then made remarks regarding the change in the franchise agreement's number of years to two years and questioned what would take precedence, the Ordinance or the existing contract(s). She suggested a uniform amount of time for each franchisee. She asked that the Ordinance be further discussed in a Legislative Review Committee meeting; 4. She addressed the wording in the Ordinance which stated "each franchise, unless otherwise indicated by this Section shall be governed by the terms of its franchise agreement pursuant to the rules instituted by the Director of the Mass Transit Department". She thought that this was a conflict between the statute and the existing contract(s). She asked that Council direct El Paso Bench Ads to make repairs to their existing benches. She stated that her client had not been allowed to speak at City Council meetings and discussed a conversation she had had with Ms. Rita Rodriguez, City Attorney, earlier in the morning.

Ms. Rita Rodriguez, City Attorney, clarified that she had questioned Ms. Caballero whether her fee, in this particular case, was more than 10% of her previous year's income to which Ms. Caballero responded no, and that the fee she had received this year was not in excess of 10% of her gross income from last year.

Ms. Caballero responded by discussing the relationship between Mr. David Escobar and Representative Escobar. It was noted that Mr. David Escobar is the uncle of Representative Escobar.

Mayor Raymond C. Caballero questioned Ms. Rodriguez as to why she had questioned Ms. Caballero regarding her fee(s).

Ms. Rodriguez responded she questioned Ms. Caballero to determine whether Mayor Caballero would need to file an affidavit and recuse himself from the matter and the same discussion was held with Representative Escobar. She noted that it was determined that neither individual would necessitate filing an affidavit.

Representative Escobar responded that he had sought the advice of the City Attorney's office to determine whether there might be a conflict of interest, if he were to vote on the issue, and it was noted that there would be no conflict.

Mayor Caballero stated that the issue had been before City Council on numerous occasions, as well as many Legislative Review Committee meetings. He stated that Representative Medina proposed the \$2.50 fee which would govern the NEW contracts; however, he suggested not making changes to the term(s) of the franchise agreement(s). He noted that if a franchisee was irresponsible in the maintenance of the bus benches, the two year contract limit would allow Council some type of control over this issue.

Representative Cobos responded that it would not be fruitful to hold another Legislative Review meeting; however, he had discovered, through the audit, that three of the four companies had breached their contracts in some manner. He noted that by bringing the contracts to five-year term limits would be a fair assumption.

Mr. Terry Williams, Deputy Director of Building Services, reminded Council that the advertising on the bus benches were "off premise" signs and would be regulated as all other "off premise" signs.

Representative Medina understood that all the franchisees had breached their contracts and due to the contract breaches all franchise agreements would be limited to two years. He noted that he was agreeable to the two-year contract limit and discussed the issuance of \$300.00 fines for illegally placed signs, \$100.00 fines for all other violations, \$100.00 per year franchise fee and the alternative dispute resolution process noted in the Ordinance. He would agree to extending the franchise contracts to five years.

Representative Power noted he was a member of the Mass Transit Legislative Review Committee and agreed with the Mayor's suggestion limiting the contract to two years. He agreed with the \$2.00 fee amendment and urged the passage of the Ordinance today in order that enforcement might begin regarding the removing illegal bus benches.

Representative Rodriguez questioned Representative Cobos as to which of the franchise companies was not in breach of the contract.

Representative Cobos stated Bench Ads of El Paso and explained that he had reviewed photographs of bus benches in disrepair.

Mr. Richard N. Nacim, Pinnacle Media, the smallest of the franchisees, noted that his firm had breached their contract; however, he had corrected these. He agreed to the Building Services Department providing enforcement for the bus benches and it would ensure that the franchisees adhere to their contracts more diligently. He stated that he had eight years left on his current contract and by reducing this contract to two years would not allow his company to build a business, etc.

Representative Cobos commended Mr. Nacim for his cooperative manner throughout this ordeal.

Mr. Jones stated it would behoove the franchisees, not currently in compliance with their contracts, to enter into a new franchise agreement for five years. He remarked that his client has been a good corporate citizen for 32 years and has complied with all City requirements. He stated that with the passage of this Ordinance the City would be in control as the City could negate the franchise contracts if/when the franchisee was not in compliance.

Representative Cook asked Ms. Caballero whether her client would agree to the five-year contract period.

Ms. Caballero responded that her client had agreed to the five-year contract limitation, as far as renewing contracts would go; however, his current contract was still good for eight years and at the end of this current contract he would agree to the five-year contract period.

Representative Cook questioned whether her client would voluntarily commit to the five-year limitation for all franchisees.

Ms. Caballero responded not if her client would lose the terms of his current contract. She remarked that her client was not in breach of his contract and noted that he had overpaid \$1400.00 to the City. She remarked that her client maintains his benches impeccably and stated that El Paso Bench Ads bus benches are unsafe and not maintained properly. She asked that Council enforce the current rule regarding "fix it or lose it".

Representative Medina asked that the discussion regarding the contract terms be discussed in Executive Session. Representative Cook seconded.

Motion made by Representative Sumrall, seconded by Representative Medina and unanimously carried to retire into Executive Session to discuss An Ordinance relating to bus bench franchises, authorizing the transfer of enforcement duties to the Building Services Department, imposing penalties for violations, establishing fees and resolution procedures and related issues.

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council.

Mayor Caballero stated that the amendments would be voted on separately.

First Motion made by Representative Medina, seconded Representative Cook to reduce the fee from \$2.50 to \$2.00.

The vote was as follows:

Representative Sumrall, Representative Medina, Representative Cook, Representative Power, Representative Escobar, Representative Sariñana and Representative Cobos voted Aye. Representative Rodriguez voted Nay. Motion carried 7-1.

Second Motion made by Representative Cobos, seconded by Representative Sumrall and unanimously carried to amend the terms of the bus bench franchise to each franchisee shall be limited no more than five years in length.

Representative Medina questioned whether the City could negate the contracts when a breach in the contract occurs.

Ms. Rodriguez responded that the contracts were based on their own Ordinance and the City would need to address each contract individually.

Third Motion made by Representative Medina, seconded by Representative Rodriguez and unanimously carried to approve one bench shall be made available to the City for advertising for every 20 benches.

Mr. Raymond Telles, Assistant City Attorney, noted that in Section B1 remove the words "the Director" and revise to read "the rules are instituted and amended from time to time by the Mass Transit Department Board".

Fourth Motion made by Representative Sumrall, seconded by Representative Rodriguez and unanimously carried to revise the Ordinance to read "Mass Transit Department Board".

Final Motion duly made by Representative Cobos, seconded by Representative Escobar that the Ordinance be adopted, as amended. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Mayor Raymond C. Caballero commended the members of the Mass Transit Legislative Review, City Council Members and the franchisees for a commendable outcome for such a contentious issue.

ORDINANCE 15114

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING HERMOSA CHURCH TO USE A PORTION OF BORDERLAND PARK FROM 5:00 PM UNTIL 10:00 PM ON JUNE15, 2002**

Motion duly made by Representative Sumrall, seconded by Representative Medina that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15115

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO KTSM-NEWS CHANNEL 9 TO TEMPORARILY CLOSE A PORTION OF SAN FRANCISCO AVENUE BETWEEN DURANGO STREET AND THE SUN METRO PARKING LOT; AND DURANGO ST. (NORTH AND SOUTH BOUND ACCESS ROADS) BETWEEN SAN FRANCISCO AVENUE AND SAN ANTONIO AVENUE FROM 6:00 A.M. ON WEDNESDAY, JUNE 12, 2002 TO 12:00 NOON ON MONDAY, JUNE 17, 2002 FOR THE TASTE OF THE TOWN STREET FESTIVAL.**

Motion duly made by Representative Cobos, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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ORDINANCE 15116

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE PERMITTING SONIA E. COBOS TO ENCROACH ONTO A PORTION OF PUBLIC RIGHT-OF-WAY WITH A FOOD-VENDING CONCESSION IN THE DOWNTOWN AREA.**

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: Council Member Rodriguez Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15117

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 15002, NOMINATING AN AREA AS THE NORTHEAST EL PASO ENTERPRISE ZONE PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT (TEXAS GOVERNMENT CODE, CHAPTER 2303); PROVIDING TAX INCENTIVES; DESIGNATING AN AUTHORIZED REPRESENTATIVE TO ACT IN ALL MATTERS PERTAINING TO THE NOMINATION AND DESIGNATION OF THE AREA DESCRIBED HEREIN AS AN ENTERPRISE ZONE; AND FURTHER DESIGNATING A LIAISON TO ACT ON ALL MATTERS PERTAINING TO THE ENTERPRISE ZONE ONCE DESIGNATED BY THE TEXAS DEPARTMENT OF ECONOMIC DEVELOPMENT.**

Mayor Raymond C. Caballero commended Representative Cook for his leadership in this issue and he hoped that this would attract business to the zone.

Mr. John Nance, Assistant City Attorney, stated a technical change to the Ordinance as changes to the statute necessitated changes to the Ordinance for compliance. He said that the changes were noted in incentives available to the specific area and other incentives available to applicants in the zone. The final change was in the naming of Ms. Debbie Hamlyn, Director of Community & Human Development, as the City's liaison for the zone.

Motion duly made by Representative Cook, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15118

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF PORTIONS OF TRACTS 17C4-17C7, 17C27, 17C28, 17C33, 17C37, 17C48, 17C49, 17C87, 17C89-17C91, 17C99-17C102, 17C112-17C114, 17C131, 17C134, 17C139-17C144, 17C146, 17C147, 17C177, 17C178 AND A PORTION OF A 60-FOOT ROADWAY, ALL IN SECTION 8, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS (NORTH OF VISTA DEL SOL DRIVE AND WEST OF JOE BATTLE BLVD.) FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Escobar, seconded by Representative Medina that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 15119

The City Clerk read an Ordinance entitled: **ORDINANCE GRANTING SPECIAL PERMIT NO. SU-01007, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT WITH REDUCED LOT SIZES AND SETBACKS ON PORTIONS OF TRACTS 17C4-17C7, 17C27, 17C28, 17C33, 17C37, 17C48, 17C49, 17C87, 17C89 - 17C91, 17C99-17C102, 17C112-17C114, 17C131, 17C134, 17C139-17C144, 17C146, 17C147, 17C177, 17C178 AND A PORTION OF A 60-FOOT ROADWAY, ALL IN SECTION 8, BLOCK 79, TOWNSHIP 3, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO COUNTY, TEXAS (NORTH OF VISTA DEL SOL DRIVE AND WEST OF JOE BATTLE BLVD.) PURSUANT TO SECTION 20.12.040 (ZONING) OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Escobar, seconded by Representative Power that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Medina, seconded by Representative Escobar and unanimously carried to delete the discussion and action on tax exemption for Five Points Masonic Lodge. (Jack Morgan)

Representative Power moved to approve; however, Representative Cook had requested information as to the possible impact to the tax base.

Mr. Bill Chapman, Chief Financial Officer, explained that he had received a minimum estimate of \$2.2 million dollars as to the impact to the tax base, this estimate was compiled by the Central Appraisal District (CAD).

Representative Power withdrew his motion.

Mr. Chapman suggested postponing the review of this issue until the budget hearings.

Representative Cook questioned how/what the CAD based their information on.

Mr. Chapman explained that the estimate was made based on their preliminary survey . He added he would like to analyze the information further.

Representative Cook requested that CAD provide parcel/lot numbers to verify their estimate by.

Mayor Raymond C. Caballero suggested the item be deleted and be brought back to the Agenda when more specific dollar amounts could be presented.

Representative Sumrall reminded Council Members that if the decision were made to exempt this organization from the tax base, the same decision would be applied to other similar organizations.

Mr. Jack Morgan, Mason, explained that he conducted his own research and estimated \$2.5 million dollars for the reduction in the tax base due to all fraternal organizations listed in the telephone book. He reiterated that his organization was the only fraternal organization that had applied for such tax relief this year.

Mr. Ron Smith, Mason, explained that two organizations had applied for the exemption this year, his organization and the Shrine Temple. He stated that based on last year's tax rate the Mason Lodge paid \$803.00 dollars.

Mr. Chapman commented that this discussion would take place when the "Financial Services" budget hearings would be held.

.....
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to delete the discussion and action on hiring independent legal council to represent and advise the legislative branch of the municipal government on issues related to the relationship of the City of El Paso and the Public Service Board. (Representative Cook and Representative Cobos)

After the motion was carried, Mr. Kris Johnson, citizen, asked to speak and asked Representative Cook and Representative Cobos to research issues regarding "smart growth". He questioned Representative Medina as to the Legislative Review Committee meeting he had requested following the moratorium regarding the PSB lands in the Northeast. He suggested that a governing body be decided, in conjunction with the Legislative Review Committee, as to the issue of how to sell PSB lands.

Mayor Raymond C. Caballero interrupted and noted that the Legislative Review Committee meeting was to be held in regard to annexation, in-fill and brownfield redevelopment and commended Mr. Johnson for the reminder.

Representative Cook clarified that the impetus behind the item was the land required for the new Animal Shelter. He offered to speak with Mr. Johnson regarding PSB lands, or other issues, in his office.

Representative Cobos also offered his office to discuss any issues with Mr. Johnson.

.....
Motion made by Representative Cobos, seconded by Representative Medina and unanimously carried to refer to the Personnel Department the hiring of a City Energy Manager. (Representative Cobos)

Representative Cobos explained that while working with the El Paso Solar Energy Association it was noted that the City of El Paso spent over \$9 million dollars in electrical and natural gas expenses last year. He thought that by focusing on solar energy the City would benefit dramatically. He proposed utilizing solar energy for current and future City construction projects. He asked that the City hire a Solar Energy Manager in order that the City might have input in the design and conservation of current City uses.

Representative Sumrall suggested Mr. Bill Chapman, Chief Financial Officer, analyze the cost of the proposed position.

Representative Cobos asked whether the City currently possessed the resources to fund such a position.

Mr. Chapman responded that the monies would be available during the budget hearings.

Mr. Mike Cormier, Education Coordinator El Paso Solar Energy Association, discussed how the City, and other governmental entities, might save energy dollars by making minor adjustments within its facilities. He noted that energy efficiency meant using smarter technology, available today, which costs less and improves quality of life. He noted that an energy manager would not add an expense to the City, but rather save monies. He suggested that the City utilize the Texas Lone Star program, a revolving loan program, to assist the City in paying energy efficiency upgrades.

Representative Medina stated that the proposal was excellent and the position would be considered during budget hearings.

Mayor Raymond C. Caballero agreed with the proposal and asked that the position include not only solar energy but alternative methodologies as well.

Mr. Cormier offered his services to assist the City in developing its energy efficiency program(s). He stated that the Environmental Protection Agency (EPA) offers a Energy Star Program, the program provides free technical assistance of which the outcome would reflect positively for the City.

Mayor Caballero proposed an audit which would analyze the different areas of the City in which monies might be saved and efficiencies created.

Mr. Ruben Reyes, Green Party candidate for the State of Texas Comptroller of Public Accounts, was enthused to see the Council Members interest in energy conservation/efficiency issues and suggested open health care clinics for impoverished citizens. He commended the Council Members on the initiative, as this would save the City monies in the future and provide an example for fiscal responsibility.

Representative Cobos moved to approve the item with the following language "to direct Legal to draft a Personal Services Contract for the position of Energy Manager, duties to include but not limited to input on building design City-wide, input on conservation and efficiency of current resources".

Mr. Charlie McNabb, Chief Administrative Officer, explained that the matter would be referred to Personnel Department in order to make that determination.

.....
No action was taken regarding the status report on the El Paso Empowerment Program administered by the El Paso Empowerment Zone Corporation. (Ms. Ada Gonzalez, Executive Director of the Corporation)

Ms. Ada Gonzalez, Executive Director for the El Paso Empowerment Zone, relayed information regarding a recent trip to San Antonio, Laredo and Austin she had taken with other notable members of the community and stated that El Paso was fast becoming a world class City. She presented a PowerPoint presentation to illuminate Council Members as to what the Empowerment Zone had accomplished, specifically during this last year, and in previous years.

Representative Cobos thanked Ms. Gonzalez for her work within the Empowerment Zone, specifically his district. He addressed the issue of the Border Health Institute and the Empowerment Zone's efforts behind this.

Ms. Gonzalez explained that the Empowerment Zone had instituted a two-tier process for funding: 1. She noted that Board of Directors for the BHI had submitted a letter of interest and a full proposal. She explained that her staff would be reviewing the proposal and making recommendations to the Program Review Committee later this week. She stated that the proposal was unique as this was a new project; however, the BHI would have broad economic impact throughout the community. The second process for funding would be answering the question(s) regarding the impact of the BHI to Empowerment Zone businesses and residents.

Representative Cook questioned how much of the \$7.5 million dollars earmarked for economic development, had the BHI requested.

Ms. Gonzalez responded \$335,000.00 dollars for one year's funding and added that although this amount was small, it was also a very critical first step in the development of a medical health institute.

Representative Power expressed his disappointment with the impact the Empowerment Zone dollars have made on the community and added the BHI would be an excellent catalyst for economic development in the community.

Ms. Gonzalez remarked that the Border Health Institute Board of Directors requested the \$335,000 amount; however, she has asked the Board of Directors to possibly increase their plan to three years rather than just the one year.

Mayor Raymond C. Caballero explained that a when applying for a grant an estimate amount is made for "cash contributions".

Ms. Gonzalez noted that a one to five matching funds were required and the BHI Board of Directors has been able to leverage the \$335,000.00 against \$400 million dollars. She noted that each of the institutions involved in the proposal have all contributed large sums of monies for infrastructure/design, staffing, etc.

Mayor Caballero noted that a funding match would be necessary and that he was proud of the commitments the City has made toward the BHI campus. He hoped that the other institutions make a financial and/or physical commitment to the project.

Representative Cobos commented that the Empowerment Zone monies would eventually be cut by the Bush Administration and the amount was requested by the BHI Board of Directors.

Ms. Gonzalez explained that the Empowerment Zone contract was that of a "rollover" contract which meant monies from year one would be rolled over to year two, etc. She stated that the \$335,000.00 for the BH' project might mean tripling or quadrupling that amount for the following year(s).

Representative Sumrall noted that businesses and/or entrepreneurs would be encouraged to employ individuals in the Empowerment Zone.

Ms. Teresa Caballero, citizen, questioned Ms. Gonzalez as to the definition of Empowerment Zone monies. She understood that the monies were provided to border regions to stimulate private enterprise within the Zone(s) and that the intent of the monies were to be given to certain private enterprises having worthy proposals. She questioned the \$335,000 of Empowerment Zone monies toward the BHI, a government entity, to be paid for the Board Members.

Ms. Gonzalez responded that the BHI was not a Border Incentive but rather a "general economic development" designation, of which there were 32 across the country. She noted that Empowerment Zone monies were to be invested in private enterprise primarily; however, the previous City Council noted both private/public and non-profit projects which might fuel economic development. She explained that the \$335,000 was to pay for a strategic plan, required by Texas legislature, in addition to the salary for a "Planner" to review the entire geographic area and to decide development, administrative staff and a Project Director.

Ms. Caballero noted that new businesses coming to El Paso would not be given incentives unless the new businesses settled in the Empowerment Zone and she questioned whether Ms. Gonzalez had a "deal" with the Mayor regarding such a proposition.

Ms. Gonzalez responded no and remarked that a Task Force had been established to provide tax incentives of which the Empowerment Zone was not involved. She noted that the Empowerment Zone had provided information to the Task Force and that the Council Member's and Mayor's revitalization of dilapidated areas of El Paso was commendable.

.....
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried to approve the recommendation by the Bond Overview Advisory Committee that the scope of the Vista Del Valle Park be changed to include a skateboard park instead of a tennis court as recommended by the Parks Advisory Board. (Mr. Edward Drusina, Director of Public Works)

Representative Sariñana remarked that this was an excellent idea; however, he questioned the difference in dollar amounts from the tennis court to skate park facility.

Ms. Teresa Quezada, Assistant Director of Public Works, explained that there would be no significant difference in the cost of the construction from a tennis court to a skateboard park. She noted that a design amendment would need to be approved, through City Council Agenda, as the original scope was intended to be a tennis court.

Representative Escobar questioned Ms. Quezada as to whether the area residents were in favor of a skateboard park over the tennis court.

Ms. Quezada responded that the Parks Advisory Board addressed the request for more skateboard parks from requests made at the Parks & Recreation Department. She noted that since the Tennis Foundation had constructed a facility in the Northeast the demand for tennis courts had lessened; however, the demand for skateboard facilities had subsequently risen.

Mr. Ed Drusina, Director of Public Works, remarked it would be difficult to determine what the lifespan of a skateboard park might be; however, he estimated 20 years.

Mr. Ray Cox, Assistant Director, Parks & Recreation Department, stated that the same slab of concrete, which would be utilized for the tennis courts, would be utilized for the skateboard park. However, instead of tennis nets, portable units would be put in place for the skateboarders to utilize.

Representative Power noted that the community had initiated the request for the skateboard park, of which Dick Shinaut Park would have a similar facility, and due to the construction of the new tennis court facilities, the skateboard park would have a positive impact on the youth in the community.

Representative Sumrall suggested a policy regarding potential changes presented by the BOAC (Bond Overview Advisory Committee), in that a public meeting be held for the community to allow for input and/or information.

Mr. Drusina responded the BOAC requires that the action go to the respective Board responsible for the quality of life program. He stated he would convey Representative Sumrall's suggestion to the BOAC.

Representative Rodriguez asked several questions to which Representative Medina responded those projects which had been moved from a later year to previous year(s). Representative Medina reminded the BOAC regarding the issue of moving project positions, in particular youth soccer fields/stadium, that the BOAC must provide very persuasive argument(s) for rescheduling projects.

Mr. Cox noted that the Parks & Recreation Department had voted unanimously to approve the skateboard park.

Representative Cook remarked positively as to the community's ability to request changes in park projects.

Representative Power explained that the option was available to provide either a tennis court or a skateboard park and after consulting with the community, it was decided to build the skateboard park.

.....
*Motion made, seconded and unanimously carried to delete the discussion and action on a recommendation by the Bond Overview Advisory Committee that it endorse the recommendation of the Engineering Department that individual project contingency funds be set at 6% of estimated construction costs for new construction, 7.5% of estimated construction costs for street and drainage projects and 10% of estimated construction costs for renovations. (Mr. Edward Drusina, Director of Public Works)
.....

*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on a recommendation by the Bond Overview Advisory Committee that \$340,000 be moved from the contingency fund of the History Museum Project to be used as a grant match as recommended by the History Museum Advisory Board. (Mr. Edward Drusina, Director of Public Works)
.....

Motion made by Representative Sumrall, seconded by Representative Power and carried to approve the recommendation by the Bond Overview Advisory Committee that the \$1.510 million designated for park tables, benches and walls be allocated in the specific amounts recommended by the Parks Advisory Board to the parks projects originally targeted for said improvements. (Mr. Edward Drusina, Director of Public Works) Representative Rodriguez voted Nay.

Representative Rodriguez questioned why Mr. Drusina had not consulted the Parks & Recreation Department prior to coming to City Council for recommendation(s).

Mr. Ray Cox, Assistant Director, Parks & Recreation Department, explained that the item had come before the Parks Advisory Board originally, however, in the Bond project documents the item(s) were left blank.

Mr. Bill Chapman, Chief Financial Officer, explained that on the Consent Agenda there were budget transfers related to the five parks.

Representative Sumrall moved to approve, Representative Medina moved to postpone, Representative Escobar seconded the motion to postpone.

Representative Sumrall, Representative Power, Representative Sariñana and Representative Cobos voted Nay

Representative Rodriguez, Representative Medina, Representative Cook and Representative Escobar voted Aye.

Mayor Raymond C. Caballero voted Nay. Motion to postpone did not carry.

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Motion made by Representative Sumrall, seconded by Representative Cobos and unanimously carried to approve the recommendation by the Bond Overview Advisory Committee that the Parks and Recreation Department be permitted to use the yearly contingency fund as needed, provided the Department stays within the yearly allocated amount without further BOAC action, as recommended by the Parks Advisory Board. (Mr. Edward Drusina, Director of Public Works)

Mr. Ed Drusina, Director of Public Works, explained that the item was listed in the original proposal made to Council Members and approved by the public. He noted that the contingency had been rolled into one category as per the Parks & Recreation Department, and the Department had the foresight to have such an account preset. He remarked that the contingency fund amount was \$2.459 million dollars over a 10 year period, broken down to \$250,000.00 a year for all projects, for minor adjustments to construction projects as needed.

Representative Sariñana alluded to adding a jogging trail at Hacienda Park.

Mr. Drusina explained that contingency funds would be utilized for deficiencies and/or unforeseen conditions for minor adjustments to the overall construction project; however, to add a new project to a park would necessitate Council Member's approval. Mr. Drusina defined a contingency fund as "funding in place for unforeseen conditions that might occur during the course of design and/or construction".

Representative Cobos questioned whether Council Members would need to approve changes in contingency.

Mr. Drusina responded yes; however, this item would authorize Public Works to break down the monies for each of the fiscal years.

Ms. Quezada clarified that previously the process followed by the Public Works Department was any issue such as funding, priority change, change in scope regarding a project would go through the appropriate Department's Advisory Board, be forwarded to the BOAC for a recommendation and ultimately to the Council Members for approval. She further stated however, with today's action, if a project would need to "tap" into the contingency fund the item would not need to be heard by the BOAC, which would expedite the project's conclusion.

Mr. Charlie McNabb, Chief Administrative Officer, clarified that contingency amounts may be under the heading of "Change Orders", depending on the projects.

Representative Medina proposed that Council Members return to Legislative Review of the Whole meetings prior to City Council meetings.

.....
No action was taken regarding the discussion on lack of blasting, health and safety ordinance. (Ruben Reyes)

Mr. Ruben Reyes, Green Party candidate for the position of Comptroller of Public Accounts for the State of Texas, discussed the enforcement of the blasting Ordinance at the McKelligon quarry. He noted that he had spoken with residents within the McKelligon Canyon quarry and it was noted that the children in the neighborhood are burdened with many health issues.

Representative Escobar explained that a Legislative Review Meeting was held last year in reference to the blasting Ordinance. He stated that at this Legislative Review meeting air particles were discussed as well as the responsibilities of Jobe Concrete regarding health issues in the surrounding neighborhood. He noted that an engineer had been hired to conduct a study and that the engineer's report noted Jobe Concrete was not responsible for any health issues in the surrounding neighborhood.

Mr. Reyes referred to a October 16, 2001 City Council meeting that Chief Stan Roberts had remarked that the Fire Department did not have the expertise to make a determination and therefore would refer the blasting Ordinance issue to Mr. Quinlin.

Representative Escobar asked Mr. Reyes to contact the Fire Department regarding any studies and subsequent results of said study.

Representative Cobos questioned whether the current City Ordinance was not being complied with and what evidence Mr. Reyes had to substantiate such claim.

Mr. Reyes referred to comments made by Chief Stan Roberts and the Blasting Ordinance, Chapter 9.52.120, Explosive Materials.

Fire Chief Mike Widtfeldt responded it was difficult to answer the gentleman's question regarding enforcement; however, the Fire Department had participated in the Legislative Review Committee and it was decided that an outside independent contractor would review Jobe's blasting policy/procedure. He noted that the study had concluded Jobe Concrete was in the parameters of the blasting Code. He suggested another independent study be done and suggested utilizing University of Texas at El Paso's Geological Department for additional assistance.

Representative Escobar explained that the explosives stored at Jobe Concrete's McKelligon quarry were very securely stored.

Mayor Caballero noted he remembered that Fire Marshal Stan Roberts had remarked that the Fire Department was not enforcing the blasting Ordinance in some respects and would need additional technical advice, which was never received.

Chief Widtfeldt agreed with Mayor Caballero's remarks and added that the Fire Department was unsure as to whether it was enforcing the Code and/or the interpretation of the Code. He further stated however, since that time the Department had researched the Code further and noted that regarding the blasting issue if the Fire Department had difficulty understanding the technical aspects it would make it difficult to enforce. He stated that after reviewing the independent survey, it was discovered that Jobe's McKelligon Canyon quarry plant was in compliance with the Code regarding blasting ethics. Chief Widtfeldt was unfamiliar with the McKelligon Canyon quarry site and was unable to answer the Mayor's question regarding securing the explosives from terrorists or other individuals.

Mayor Caballero remarked that the City must enforce the law(s) to the letter and no one would be exempt. He asked that the Fire Department inspect the Jobe facility to ensure the explosives are stored properly and securely.

Chief Widtfeldt said he would comply with the Mayor's requests.

Representative Cook said he would provide the Mayor a copy of the presentation given to the Legislative Branch of the City government.

Representative Medina explained that the blasting issue and the securing of the explosives at the Jobe facility had been discussed at length during the Legislative Review Committee meeting.

Mr. Reyes stated his intention was to clarify that the Blasting Ordinance was not being enforced, as he sees fit, and was bringing his concerns to the Council Member's attention. He commented on cement particles and the effects on individual's health.

Mr. Stanley Jobe, Jobe Concrete Products, stated that the blasting Ordinance was amended last year and discussed at the October 16, 2001 City Council Agenda, following the City Council meeting a Legislative Review Committee meeting was held and on November 12, 2001 Jobe presented a packet of information as well as a slide presentation in reference to the security of the explosions. He remarked that the company was very cognizant regarding securing explosives at the McKelligon Canyon facility. He discussed an explosives formula and the seismic vibrations caused by such. He alluded to a January 8, 2002 report and the information contained therein. He remarked that his company was in compliance with the City's blasting Ordinance and invited the Fire Chief to inspect his facilities.

Mr. Kris Johnson, citizen, commented on responsible business and differing recommendations of Mr. Jobe and an outside consultant.

Mayor Caballero reiterated that Chief Widtfeldt would investigate the securing of the explosives and Council Members would investigate whether independent testing had been conducted.

Mr. Reyes explained that the Green Party would investigate revoking the blasting permit until further investigation had been reviewed.

.....
No action was taken on the discussion on the controls the City has over the electric and gas utilities to ensure low rates for the consumer. (Leopoldo E. Sierra)

Mr. Leopoldo E. Sierra, citizen, appealed to Council Members to take the necessary precautions/steps to guarantee that Southern Union Gas would have enough reserve for the coming winter.

Mr. Charlie McNabb, Chief Administrative Officer, stated that the Council Members were very diligent when considering utility regulation issues and that El Paso was the only City to retain original jurisdiction over gas and electric facilities. He explained public hearings are held to discuss utility rates, the City hires the best utility lawyers to speak on behalf of its citizens, and he mentioned that the Council Members are very responsible when discussing utility regulations.

Representative Cobos remarked that public hearings would be held to discuss the El Paso Natural Gas rate increase issues.

.....
*Motion made, seconded and unanimously carried to delete the appeal to Council for reversal of City's May 13, 2002, denial of Formal Administrative Protest of SAGEM MORPHO, Inc., dated May 3, 2002, to vendor selection under RFP No. 2002-018R Request for Proposal for Fingerprint and Photographic Identification Systems. (John McC. Witherspoon, attorney Kemp Smith)
.....

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance permitting Harry R. Feld to use a portion of Memorial Park from 6:00 PM until 8:00 PM on September 21, 2002, for a wedding. Fee: \$40.00
- B. An Ordinance granting a Special Privilege to Regent Communications-El Paso to temporarily close a portion of Santa Fe Street between Main Drive and San Antonio Avenue; San Francisco Avenue (Trolley Lane) between Santa Fe Street and El Paso Street; Durango Street (north bound access road) between San Francisco Avenue and San Antonio Avenue from 5:00 a.m. on Thursday, July 4, 2002 to 5:00 a.m. on Friday, July 5, 2002 for the El Paso Downtown Street Festival. (Consideration: \$50.00, SP-02008)

PUBLIC HEARING WILL BE HELD ON JUNE 25, 2002 FOR ITEMS A – B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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ADDITION TO THE AGENDA

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a Grant Application to the Substance Abuse and Mental Health Services Administration's (SAMHSA) on behalf of the City of El Paso in the amount of \$400,000 Federal for the Targeted Capacity Expansion: Meeting the Mental Health Services Needs of Older Adults Project; and

That Deborah G. Hamlyn, Director of Community and Human Development, be authorized to furnish such additional information as SAMHSA may require in connection with the Application for this Project; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any Grant Agreement and corresponding Agreements with the collaborative partners under the Grant and the Program for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases or deobligates Program funds, provided that no additional City funds are required, upon approval by SAMHSA.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

GALATZAN RECREATION CENTER

DEPARTMENT ID: 51510131, ACCOUNT 501011

1. **CONTRACTOR:** Jennifer Coy Rogers, Day Care Instructor Aide, Step 2
 DATES: June 17, 2002, 2002 thru August 31, 2002
 RATE PER HR: \$5.60
 CONTRACT NO: 2001/2002-319

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

GALATZAN RECREATION CENTER

DEPARTMENT ID: 51510131, ACCOUNT 501011

1. **CONTRACTOR:** Ami Lynn Neff, Day Care Instructor Aide, Step 2
 DATES: June 10, 2002, 2002 thru August 31, 2002
 RATE PER HR: 5.60
 CONTRACT NO: 2001/2002-320

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

CAROLINA RECREATION CENTER

DEPARTMENT ID: 51510073, ACCOUNT 502215

1. CONTRACTOR: Karlin Russell, Basketball Referee
DATES: June 15, 2002, thru August 31, 2002
RATE PER GM: \$8.00
MAXIMUM AMT: \$448.00
CONTRACT: 2001/2002-175

NORTHEAST RECREATION CENTER
DEPARTMENT ID: 51510107, ACCOUNT 502214

2. CONTRACTOR: Anna M. Harkness, Ballet Instructor
DATES: June 22, 2002, thru August 31, 2002
RATE PER CL: \$10.00
MAXIMUM AMT: \$300.00
CONTRACT: 2001/2002-176

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS
DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Benjamin Joseph Barton, Lifeguard, Step 2
DATES: May 14, 2002 thru September 30, 2002
RATE PER HR: \$6.00
CONTRACT NO: 2001/2002-308
2. CONTRACTOR: Bryant K. Collier, Lifeguard, Step 2
DATES: May 13, 2002 thru September 30, 2002
RATE PER HR: \$6.00
CONTRACT NO: 2001/2002-309
3. CONTRACTOR: Amanda Crawford, Outdoor Pool Manager, Step 1
DATES: May 15, 2002 thru September 30, 2002
RATE PER HR: \$7.30
CONTRACT NO: 2001/2002-310
4. CONTRACTOR: Christopher A. Gonzalez, Pool Attendant, Step 1
DATES: April 24, 2002 thru September 30, 2002
RATE PER HR: \$5.40
CONTRACT NO: 2001/2002-311
5. CONTRACTOR: Abner J. Gutierrez, Lifeguard, Step 2
DATES: April 15, 2002 thru September 30, 2002
RATE PER HR: \$6.00
CONTRACT NO: 2001/2002-312

6. CONTRACTOR: Jason J. Martinez, Swim Instructor, Step 1
DATES: May 09, 2002 thru September 30, 2002
RATE PER HR: \$5.35
CONTRACT NO: 2001/2002-313
7. CONTRACTOR: Robert C. Perkins, Swim Instructor, Step 1
DATES: May 20, 2002 thru September 30, 2002
RATE PER HR: \$5.35
CONTRACT NO: 2001/2002-314
8. CONTRACTOR: Gilbert Quinones, Pool Attendant, Step 2
DATES: May 23, 2002 thru September 30, 2002
RATE PER HR: \$5.60
CONTRACT NO: 2001/2002-315
9. CONTRACTOR: George Rincon, Lifeguard, Step 2
DATES: May 21, 2002 thru September 30, 2002
RATE PER HR: \$6.00
CONTRACT NO: 2001/2002-316
10. CONTRACTOR: Jerry W. Willhite, Jr., Pool Attendant, Step 1
DATES: May 17, 2002 thru September 30, 2002
RATE PER HR: \$5.40
CONTRACT NO: 2001/2002-317
11. CONTRACTOR: Vicente Vargas III, Lifeguard, Step 2
DATES: May 16, 2002 thru September 30, 2002
RATE PER HR: \$6.00
CONTRACT NO: 2001/2002-318

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and the following individuals to assist the Community Development Department by providing sign language interpreting services primarily for the Parks and Recreation Club Rec Program at an hourly rate of \$7.28 for 25 hours per week. The term of the contract shall be for the period of June 12, 2002 through August 31, 2002.

1. CYNTHIA CHAVARRIA
2. KARINA ESPINOZA
3. ALBERTO HERNANDEZ

.....
*Motion made, seconded and unanimously carried to approve the request to fill the position(s) on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Laborer (18)

.....
*Motion made, seconded and unanimously carried to appoint Leslie Ann Allen to the Ad Hoc Waste Tire Disposal Advisory Committee by Representative Rodriguez.

*Motion made, seconded and unanimously carried to re-appoint Sarah Lea to the Art Museum Advisory Board by Representative Rodriguez.

*Motion made, seconded and unanimously carried to re-appoint Rebecca Rhodes to the Art Museum Advisory Board by Representative Rodriguez.

Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to approve, pending review by the City Attorney's office, the Resolution that the Mayor be authorized to sign a contract granting permission to the Texas Democratic Party and Motorola to allow access to the City's 800 MHz radio system during the Texas Democratic Party convention to facilitate safety and communications during the convention and to authorize the Mayor to sign a contract with the Texas Democratic Party, subject to approval by the City Attorney, to provide programming services to allow their radios to be operated through the City's system.

Representative Sumrall questioned the 800 MHz radio system's ability.

Commander Walsh, El Paso Police Department, explained that the 800 MHz was the City's public safety radio system utilized by EMS, Fire and Police. He recommended the City Attorney's office draft an agreement, prior to authorization.

Ms. Rita Rodriguez, City Attorney, advised subject to a contract and giving the Mayor authority to sign the contract.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

- A. An Ordinance relating to bus bench franchises, authorizing the transfer of enforcement duties to the Building Services Department, imposing penalties for violations, establishing fees and resolution procedures and related issue
- B. Eliza Manrique, 91-C-403 (551.071)
- C. Sergio Zapata, 02-C-100 (551.071)

Motion made, seconded and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Sumrall, seconded by Representative Medina and unanimously carried to retire into Executive Session to discuss An Ordinance relating to bus bench franchises, authorizing the transfer of enforcement duties to the Building Services Department, imposing penalties for violations, establishing fees and resolution procedures and related issues.

Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council.

Please see pages 17 and 18 for the voting outcome on each of the amendments to the Ordinance.

*Motion made, seconded and unanimously carried to postpone one (1) week Eliza Manrique, 91-C-403

.....
Motion made by Representative Medina, seconded by Representative Sariñana and unanimously carried to
postpone two (2) weeks Sergio Zapata, 02-C-100

.....
Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to
adjourn this meeting at 12:45 p.m.
.....

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda Duffy Momsen, City Clerk



Rita Rodriguez, City Attorney